

REMARKS

Applicants have amended claims 1, 8, 9, 14, and 15, and canceled claim 20 without prejudice to or disclaimer of subject matter therein. No new matter has been added by way of these amendments. In view of these amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office has rejected claims 1-19 and 23-28 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,466,915 to Suzuki et al. (Suzuki) in view of U.S. Patent No. 6,871,012 to Evans (Evans) and further in view of U.S. Patent No. 7,165,105 to Reiner et al. (Reiner), and claims 20-22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Suzuki in view of Evans, in view of Reiner, and further in view of U.S. Patent 6,507,727 to Henrick (Henrick). The Office asserts FIG. 1 of Suzuki illustrates a first device in the form of a terminal (citing element 200), the terminal is a computer terminal and thus inherently includes a digital content storage system in the form of internal memory, the graphical User interface of FIG. 25 of Suzuki is a monitoring system that appears on the terminal and monitors the selection of specific files, such as the selection of “flower-pattern one piece dress and making selections generates usage data, such a color size price and quantity purchased, which are subsequently sent to the central processing center (citing element 100) in FIG. 1, the data fields, such as the data fields containing the named color “pink” and the price “6.800” are the usage data storage system since these fields store usage data until it is sent to the central processing center (100) in FIG. 1. The Office asserts FIG. 11 illustrates a table which forms the usage metrics system, the table permits inferred conclusions, such as the conclusion that a customer prefers a specific size, as illustrated at C in FIG. 7C and described at col. 18, lines 1-6, and the table of FIG. 11 is located in the order reception file (3) (citing col. 13, lines 66-67) which is part of the central processing center (100) and forms a second device remote from the first device (citing terminal 200). Further, the Office asserts the user terminal inherently includes a resume, complete, pause and cancels as part of the computer programs and to expedite the prosecution of the application asserts Evans as a secondary art disclosing the use of a resume, complete, pause and cancels as disclosed in col. 3, lines 41-45, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the multi-media of resume, complete, pause and cancel and error as discloses in Col. 5, lines 29-34, Evans, and a skilled artisan would have been motivated to incorporate such feature to allow the user to navigate and browses throw the items without change the display on the screen. The Office asserts the combination

of Suzuki in view of Evans differs, in that it neither does nor discloses usage events that include play event types describing how the content is consumed and a time stamp indicating when the event occurred. However, the Office asserts that Reiner at FIG. 3B discloses an interface which can create data model which records a play event type (viewing web pages) that describes how digital content is consumed, the play type includes at least one of play, pause, and stop, (number of pages viewed during a visit and number of visits during a time period), and a time stamp indicating when the event occurred (the time period of visits from starting date to ending date), and accordingly, it would have been obvious to one of ordinary skill in the art to modify the combination of Suzuki in view of Evans to further include a data model which records additional usage events in the form of a play event type (viewing of web pages) which describes how the content is used and timestamps indicating the period of use because such modification would have been motivated by the advantage of gauging web marketing performance for e-business decisions, as specified at col. 1, lines 20-30 of Reiner.

However, Suzuki, Evans, and Reiner taken alone or in combination, do not disclose or suggest the combination of limitations, “a usage metrics system at a second device remote from the first device that receives the stored usage data associated with the purchased downloaded digital content and processes the usage data to provide inference results,” as recited by claim 1 or “receiving from a usage metrics system in the second device processed usage data to provide inference results,” as recited by claims 8 and 14.

Contrary to the Office’s assertion, the table of FIG. 11 in Suzuki is not Applicants’ claimed usage metrics system used to provide inference results from processed usage data. In the portions cited by the Office beginning at col. 13, line 66 and illustrated in FIG. 11, Suzuki describes an order reception file that includes customer information comprising customer identification, goods information, and payment information. Using information in FIG. 11, Suzuki’s method and system only infers whether a customer actually buys an article, or merely selects an article for a future purchase, as indicated by “Selection/Buying Mark 103” (*see*, col. 13, line 66-col. 14, line 11). Suzuki then discloses that articles which the customer previously selected, but did not buy are displayed to the customer for future buying. Thereby, the customer can see record of goods selection of a previous shopping and does not need to search the entirety of goods by following a standard order (*see*, col. 14, lines 35-45). In other words, Suzuki is not at all concerned with what happens with items that have already been sold or purchased (even though such goods are not the claimed purchased downloaded digital content in the first place), but is rather concerned

about items that the customer only selected but did not purchase. In fact, Suzuki is silent with respect to how the customer consumes/uses the items that were actually purchased. Instead, it appears that Suzuki, in FIG. 11 is at most discloses pre-sale promotion of items that were previously not purchased at all and not usage data associated with the purchased downloaded digital content. Similarly, in FIG. 7C and col. 18, lines 1-6, Suzuki merely describes displaying sizes for a specific clothing item based upon a customer's buying history and is not usage data of purchased downloaded digital content. Similarly, Evans, Reiner, and Henrick are silent with respect to the above-noted limitations.

In sharp contrast, the present invention recites usage data based on one or more usage events associated with the purchased downloaded digital content and then processing the usage data to provide inference results. An advantage of providing such usage metrics based upon usage of already downloaded digital content, for example, is that content providers can personalize sales of digital content according to an individual user's preferences, without any intervention from the user (*see*, for example, paragraphs [0009]-[0011] of the original filed specification).

Accordingly, in view of the foregoing amendments and remarks, the Office is respectfully requested to reconsider and withdraw this rejection of claims 1, 8, and 14. Since claims 2-7 and 21-24 depend from and contain the limitations of claim 1, claims 9-13 and 25-26 depend from and contain the limitations of claim 8, and claims 15-19 and 27-28 depend from and contain the limitations of claim 14, they are distinguishable over the cited references and patentable in the same manner as claims 1, 8, and 14.

In view of all of the foregoing, Applicants submit that this application is now in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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